

# Exhibit F



Levy Employment Law, LLC

PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION  
DRAFT

**To: Deborah Borda**  
**Cc: Howard Robbins, Esq.**  
**From: Tracey I. Levy, Esq.**  
**Date: October 22, 2024**  
**Re: Summary Findings and Conclusions from Workplace Investigation of Liang Wang**

On April 16, 2024, Vulture magazine published an article by freelance reporter Sammy Sussman titled, “A Hidden Sexual-Assault Scandal at the New York Philharmonic,” (the “Sussman article”) which detailed an incident in 2010 following a late-night party when the New York Philharmonic (the “Philharmonic,” or “NYP” or the “Orchestra”) was performing in Vail. The article, attached as Exhibit A, recounted that a probationary horn player, Cara Kizer, had gone from the party back to the condo that NYP Principal Oboist Liang Wang and NYP Associate Principal Trumpet player Matthew Muckey had rented, where she believes she was drugged and then raped by Mr. Muckey. The Philharmonic had terminated Mr. Wang’s and Mr. Muckey’s employment in 2018, based on this incident, and both men were reinstated in 2020 after an arbitrator determined that there was not sufficient cause to support the Philharmonic’s decision.<sup>1</sup> The Sussman article cited from police records and interviews with named and unnamed individuals, and provided details about what had been alleged that were not previously shared with Orchestra members or otherwise made public.

In response to the Sussman article, I was formally engaged on April 20, 2024, to look into allegations of sexual harassment or otherwise inappropriate conduct by musicians and other current employees of the Philharmonic.<sup>2</sup> Information about my engagement for this purpose was shared with the Associated Musicians of Greater New York, Local 802, of the American Federation of Musicians (“Local 802”), which represents members of the Orchestra, and both the Philharmonic through its website and Local 802 then dispensed that information to the music community at large, who were invited to contact me if they had relevant information. Beginning in mid-June 2024, I proactively reached out to every current member of the Orchestra who had not already contacted me and invited them to meet with me. My investigation ultimately included interviews with 69 members of the Orchestra (including Mr. Wang and Mr. Muckey) and 23 other individuals, including people who contacted me directly or who I reached out to based on

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<sup>1</sup> The arbitrator applied a “clear and convincing evidence” standard to evaluate whether the evidence presented in the hearing provided just cause for the terminations of Mr. Wang and Mr. Muckey. The union contract has since been revised to expressly provide that a “preponderance of the evidence” standard should be applied when determining just cause. I have evaluated the information provided to me in this investigation under a preponderance of the evidence standard, whereby I determined what I find was “more likely than not” to have occurred. Under this standard, the differential tipping the scale toward more likely may be as little as the weight of a feather, but nevertheless it reflects a considered determination that evaluates varying accounts and plausibilities.

<sup>2</sup> Independent of my investigation, the Philharmonic retained Katya Jestin, Co-Managing Partner with Jenner & Block LLP, to conduct a cultural assessment of the Orchestra. It was agreed that Ms. Jestin would refer to me any specific complaints of inappropriate behaviors by current members of the Orchestra for investigation, and I referred to her concerns I received that pertained more to the culture of the organization.

information provided by others I had interviewed, and Orchestra members who responded to my outreach. Attached as Exhibit B is an anonymized list of the individuals who I interviewed.

In addition to those interviews, I reviewed the arbitrator's decision and exhibits from the arbitration. I also reviewed with respect to Mr. Wang: screenshots of Facebook messages, photos, text messages, and emails that were provided by individuals I interviewed; postings on Slippedisc by one interviewee and Philharmonic tour schedules; and other information on the Internet that related to events recounted by the individuals reporting concerns. I completed my review on October 8, 2024.<sup>3</sup>

Eleven women newly reported concerning behaviors by Mr. Wang that they had experienced, between 2007 and 2016, which ranged from: inappropriate comments and unsolicited invitations, to sexual advances, to unwelcome kisses, to sexual assault and rape.<sup>4</sup> Beyond the reports from the eleven women, some other individuals I interviewed reported that Mr. Wang had made inappropriate sexual and other offensive comments. Although Mr. Wang denied having engaged in these behaviors, I found the women credible in their accounts. Most of the accounts were confirmed by other individuals to whom they were reported at the time, and some were additionally confirmed by electronic communications. Several accounts (mostly those related to unsolicited invitations and the account of sexual assault) could not be directly confirmed, but I nonetheless found the reporters credible given the pattern of similar behaviors and corroboration of details related to their accounts and of information they provided as to other individuals.

I therefore find Mr. Wang has engaged in a persistent pattern of sexual harassment toward women, ranging from offensive comments to rape and a range of abusive behaviors in between those extremes, over the course of more than a ten-year period while he was employed by the Philharmonic. I received reports of sexual behaviors that Mr. Wang directed at six additional women that were recounted to me secondhand, some by multiple individuals. The targets of those reported incidents did not respond to my attempts to contact them or declined to participate in this investigation, but based on the information provided by others, I find it likely that the women who did speak with me were not the only women who experienced sexually harassing behaviors from Mr. Wang.

In addition to the sexual behaviors, I investigated reports that Mr. Wang abused his power in other ways between 2006 and Fall 2023:

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<sup>3</sup> I initially requested in mid-July to schedule meetings with Mr. Wang and Mr. Muckey. Those interviews were not scheduled until August 8 and 9, 2024, as a result of inquiries I received from each respondent's legal counsel seeking clarity as to the subjects that would be covered and the attorneys' reported earliest availability to meet. Following the initial interviews, I invited each respondent to provide additional information responsive to the subjects covered in our meetings. There was a three-week delay with Mr. Muckey and a six-week delay with Mr. Wang in scheduling follow-up meetings due to the availability of their respective legal counsel and the union business agent who they each requested be present as a representative.

<sup>4</sup> Besides Ms. Kizer, another woman (Arbitration Witness 1) had testified at the arbitration that she was drugged and raped by Mr. Wang in 2006. I did not interview Arbitration Witness 1 for this investigation, but I have considered the arbitrator's findings with regard to her testimony in the context of my assessment of the personal accounts that other individuals shared with me.

- by garnering attention for himself and demeaning and manipulating his colleagues in the Orchestra and in other organizations where he was employed;
- by mistreating the students learning under him including bullying them, having them do chores for him, and intruding into their personal lives;
- by seeking to have Ms. Kizer removed from the Orchestra after she reported the incident in Vail and by obstructing the career of a former student; and
- by misrepresenting himself as being part of the faculty of a New York college.

I find credible the varied examples that I received of Mr. Wang's egotism, demeaning comments and manipulation of colleagues, but also find that other colleagues commend him as kind and supportive. I find credible the accounts of Mr. Wang having mistreated his students, in the multiple ways cited, as much of that behavior was confirmed by others who had similar experiences, or who had direct information related to the behaviors. I also find it more likely than not that Mr. Wang did seek to persuade others to have Ms. Kizer removed from the Orchestra in retaliation for her report of the incident in Vail, but do not find sufficient support that Mr. Wang sought to obstruct his student's career. Finally, I credit the confirmed account of Mr. Wang misrepresenting himself as part of a college faculty.

#### **I. Concerns of Mr. Wang's Sexual Behavior Toward Women**

Ten women, including musicians with the Orchestra, former college students, and individuals at the Bowdoin Music Festival each reported experiencing unwelcome sexual behavior by Mr. Wang, and an eleventh person reported observing unwelcome behavior directed at someone else. These allegations ranged from unsolicited invitations, to unwelcome kisses and other sexual advances, to sexual assault and rape. The incidents reportedly occurred over a span of ten years, from 2007 to 2016.

##### **A. Inappropriate Comments and Unsolicited Invitations**

LW Complainant 2 reported that as a 21 or 22-year-old student, when Mr. Wang was at the University of Redlands as a guest artist for double reed day in April 2012, she spoke to him of her career aspirations, and he asked for her phone number and offered to speak with her further. LW Complainant 2 said that Mr. Wang texted her later that day and invited her to his hotel room, which she declined.

LW Complainant 3 said that before she had tenure with the Philharmonic, Mr. Wang repeatedly texted, asking her out to dinner. LW Complainant 3 said she was uncomfortable with the invitations but was sensitive to Mr. Wang's ability to influence others in the Orchestra and she therefore responded she would ask if her boyfriend could join them.

LW Complainant 4 said that when she was subbing for the Philharmonic as a student in graduate school and had won a position at another orchestra, Mr. Wang contacted her through Facebook messenger under a name like Leon Wang, said it was from Liang, gave his number, and told her to text him before she left town. LW Complainant 4 said she was 23 at the time, Mr. Wang was around

40, she had heard from others to stay away from him, and it felt “very fishy,” so she did not respond and she no longer has the message.

In addition to these accounts, LW Complainant 5 shared that on one occasion when she was waiting on a food line for a party while on tour in Istanbul with Orchestra member 1, most likely around 2013, Mr. Wang and Mr. Muckey came up and made a comment about Orchestra member 1’s backside, something along the lines of “check it out.” LW Complainant 5 said that Orchestra member 1 called them out on the comment. Orchestra member 1 did not respond to my repeated attempts to contact her.

I also received reports from Orchestra members of Mr. Wang commenting on women’s appearance including: that a woman “is so ugly” or looked “vicious;” that at age 14 or 15 he could have all the sex he wanted with the 14-year-old girls at Idyllwild Arts Academy; acting repulsed by a female colleague’s calves; and saying a musician who got #MeToo’d “would bounce back, look at me.” Several other musicians reported sexual remarks that Mr. Wang made to them prior to his tenure with the Philharmonic.

Mr. Wang initially denied being at the university when he was in Redlands for a concert in 2012, and said he has probably offered to speak with a student about the student’s career aspirations and at times provided his cell phone number but does not think he has texted a student an invitation back to his hotel room. Mr. Wang said usually if he invited women in the Orchestra out to dinner it was in a group, and he did not recall doing so specifically with anyone in LW Complainant 3’s section other than one principal, nor does he have much power in the Orchestra with respect to tenure decisions. Mr. Wang confirmed having once had a Facebook account in which he spelled his first name differently, like Leon, and he might have contacted women through Facebook who were subbing with the Orchestra, but he did not recall a particular instance or reaching out to a student. Mr. Wang recalled joking with Mr. Muckey while on a buffet line when the Philharmonic was on tour in the Middle East, but said it was not about Orchestra member 1, who he considers a friend, and he explained that to her when she called him after the tour. Mr. Wang denied commenting to colleagues in the Orchestra about women’s appearance, either in general or when in the dressing room, and he denied making the specific comments reported by Orchestra members.

#### Findings Regarding Inappropriate Comments and Unsolicited Invitations

Given the time that has passed, the three complainants no longer had the specific messages they referenced but I nonetheless credit their accounts. In contrast to LW Complainant 2’s specific recollection of when and how she met Mr. Wang at the University of Redlands, Mr. Wang initially denied that he had spent any time at the university as part of his visit to Redlands in April 2012, and then in our second meeting, he provided photos of himself posing with students there (who he said were from his former school) and acknowledged he spent several days in Redlands, being escorted by his former teacher. A March 29, 2012, local news article reported on the upcoming concert featuring Mr. Wang that was held on the university campus on April 14, 2012. LW Complainant 4’s statement that she was contacted by Mr. Wang through a Facebook account with his name slightly altered to “Leon” aligns with his acknowledgment that he had created such an account name and is a specific and personal detail that I find she likely would not have known had she not received a communication from Mr. Wang on that account. As discussed further in this report, beyond the

exchanges that they reported having personally experienced, both LW Complainant 3 and LW Complainant 4 provided information related to Mr. Wang's behavior toward others that was corroborated by individuals from within and outside the Philharmonic, while I repeatedly found factual information that refuted or called into question the credibility of Mr. Wang's assertions. On balance, therefore, I find it more likely than not that Mr. Wang extended the unsolicited invitations reported by each of the three women.

I further credit LW Complainant 5's account and find that Mr. Wang likely made or laughed over a comment about Orchestra member 1's buttocks. Mr. Wang may have subsequently assured her that his behavior was not directed at her, but Mr. Wang's account is inconsistent with LW Complainant 5's own observation of what had occurred. Also two other Orchestra remembers reported that Orchestra member 1 had told them of a snickering comment on her buttocks, reportedly shared with one Orchestra member five to ten years ago and another Orchestra member two months ago. I additionally find it more likely than not that Mr. Wang has made other comments or gestures about women and their appearance on multiple occasions, although I do not find those to have been more than sporadic events and not particularly severe.

#### B. Sexual Advances

##### 1. Vail - 2008

LW Complainant 6 reported that she and some college friends went to hear the Philharmonic perform at Vail in summer 2008, and then went out with some of the musicians afterward, including Mr. Wang. LW Complainant 6 said that Mr. Wang repeatedly asked if she had a boyfriend, and at one point mimed the curves of LW Complainant 6's body with his hands and said, "how does *this* not have a boyfriend?" LW Complainant 6 said that later that night, she was sitting in the passenger seat of her friend's car, wearing a halter top that was not at all revealing, and Mr. Wang was sitting in the back of the car behind her when he started tugging at the ties on her halter top, asking what would happen. LW Complainant 6 said that her friend told him to stop, that her shirt would come down, and Mr. Wang stopped.

LW Complainant 6 said she recounted the uncomfortable experience to her teacher the next day, and her teacher confirmed that report to me. The teacher vouched for LW Complainant 6's overall veracity and said it took a lot for her to come forward. LW Complainant 6's friend declined to speak with me out of fear of repercussions by Mr. Wang, but I received indirect confirmation of a past incident involving Mr. Wang through their mutual friend, a current NYP member. LW Complainant 6 also shared an email she sent to her teacher the following fall after Mr. Wang was a guest artist for a day in a class for which she was a teaching assistant, in which she wrote that Mr. Wang was really nice, and she just felt "uncomfortable with how physically forward he was." LW Complainant 6 also said that, in perusing her social media accounts, she located one Facebook message she had sent to a friend in September 2008, in which she wrote, "The principal oboist of the New York phil is hitting on me – had to practically run away from him after tonight's concert. Flattering but awkward."

Mr. Wang said he does not recall going out with these students after a performance in Vail in 2008. When asked if he commented on the appearance of any of the female students or flirted with any of them, he said he would check his records to see what he can recall. Mr. Wang subsequently said he did not see anything that altered his recollection.

## 2. Bowdoin Music Festival - 2010

LW Complainant 7 reported that as a student at the Bowdoin Music Festival in 2010 she attended a party at one student's apartment, at which Mr. Wang commented how he would love it if she would get up on the table and show some skin, and that she should do some dances. LW Complainant 7 said that she excused herself but then later that night Mr. Wang literally cornered her, with his arms on either side of the wall when she was in the corner of the room, and he made similar comments while getting really close to her. LW Complainant 7 said that she ducked under Mr. Wang's arm and got away. LW Complainant 7 said that Mr. Wang had made inappropriate comments throughout his week at Bowdoin, possibly related to women's appearance. LW Complainant 7 named several potential witnesses to her account, but had contact information for none of them. Most were not reachable or not responsive. A program administrator from that summer who I called queried why he was being asked about concerns related to Mr. Wang, expressed concern about not wanting to be pulled into something that may affect his family, and did not provide further information. Another student at the festival that summer (not a reed musician) said she did not hear of any concerns in 2010, but in 2012 she did a performance with Mr. Wang and got a "weird creepy vibe" in the way she observed him inappropriately talking to students who were younger than she was.

Mr. Wang confirmed that he was a visiting artist at Bowdoin Music Festival and then became faculty for a couple of years, maybe from 2010 to 2012. Mr. Wang said he had friends visit while he was at Bowdoin and did not think he attended any student parties, except perhaps once getting beer and pizza with the graduate students. Mr. Wang said he did not recall encouraging any woman at a party to get up on a table and dance or show some skin, nor did he recall cornering a woman student and blocking her in with his arms while making similar sexual comments to her. Mr. Wang said he did not remember making sexual jokes or comments to female students at the program and no one there spoke with him about his behavior. Mr. Wang said he did not return after 2012 because he had a scheduling conflict, and the job did not pay well.

## 3. Secondhand Accounts About Other Women

I additionally received four secondhand accounts of other most likely sexual behaviors by Mr. Wang. One Orchestra member reported that a former untenured colleague had reported back around 2007 that Mr. Wang approached her, asked if she was a virgin, and offered to teach her, and a second Orchestra member reporting hearing a more generalized account of that exchange at the time. A third Orchestra member reported being told of it by still another Orchestra member.

An oboe player unaffiliated with the Philharmonic reported that she was hired to provide lessons for a student who had studied under Mr. Wang, but whose parents then were looking for a woman tutor, and paid for the student to travel about 400 miles round-trip by taxi each week for lessons over more than a two-year period. The tutor said the student never disclosed what had happened between her and Mr. Wang, and the student did not respond to my attempts to contact her.

Another Orchestra member said that Mr. Wang greeted her friend, who she declined to identify by name to me, for a private lesson wearing a bathrobe, and when she asked if cash was okay, he said she could pay in other ways. Yet another Orchestra member said that she had a friend who subbed with the Philharmonic, who said Mr. Wang would tell her she needed to play her cards well if she wanted to keep getting hired. Reportedly this sub felt awkward and threatened by the comments and stayed away from Mr. Wang, and she stopped getting called as a sub thereafter. The sub declined to speak with me.

Mr. Wang denied having approached a sub or probationary member of the Orchestra and asked if she was a virgin or offered to teach her. Mr. Wang said that he recalls having once had a conversation years ago about being a virgin with someone who has subbed with the Philharmonic much more recently. Mr. Wang said that he later became very good friends with that person and they had a short romantic relationship. Mr. Wang said there had not been a time when he told a female student she could pay in other ways. Mr. Wang said the allegation that he had greeted a student for a lesson wearing a bathrobe previously had come up in the arbitration, and he did not think he had done so. Mr. Wang said he did not recall having told a sub that she should play her cards well if she wants to keep getting hired, and he does not think he had done so.

#### Findings Regarding Sexual Advances

I find it more likely than not, given the recurring accounts that I received, that Mr. Wang has made unwelcome sexual advances to women, particularly students he interacted with in various contexts and women who were subs with the Orchestra. LW Complainant 6's account is corroborated by her contemporaneous statement to her teacher and the email that she shared with me and its reference to "how physically forward" Mr. Wang was toward her. Although I could not reach individuals who might directly confirm LW Complainant 7's account of having been accosted by Mr. Wang at a Bowdoin party, the administrator's response to my attempts to speak with him suggest there was a reported concern with Mr. Wang's conduct that summer, and the other student musician's observation of Mr. Wang's interactions with younger students at the program in 2012 are consistent with LW Complainant 7's account.

#### C. Unwelcome Kisses

Four women provided firsthand accounts and two complainants provided secondhand accounts in regard to two other women who were on the receiving end of unwelcome kisses or attempted kisses by Mr. Wang, occurring between 2008 and 2015 or later. LW Complainant 8 said that at a dinner at Tavern on the Green after a Philharmonic performance of Carousel in 2008, Mr. Wang was quite drunk and motioned for her to follow him to the hall near the bathroom where he tried to kiss her, and she does not recall how she rejected his advance. Three Orchestra members said that LW Complainant 8 had told them at the time about Mr. Wang kissing her by the bathroom, one recalled it was at an NYP reception and the other just recalled it was a party. A fourth Orchestra member said she heard of the incident from LW Complainant 8 more recently.

LW Complainant 1 said that when choosing a graduate school, she took a lesson with Mr. Wang, he asked her to stay beyond the lesson and offered he would show her how to make a reed. LW Complainant 1 said that Mr. Wang tried to kiss her on her cheek and said that she should not have come to New York, that she was too attractive. LW Complainant 1 said she told her teacher what had occurred, and her teacher confirmed to me that same account, saying they had a long talk about the wisdom of pursuing her studies under Mr. Wang. LW Complainant 1's classmate also confirmed that LW Complainant 1 recounted Mr. Wang's attempted kiss back around that time.

LW Complainant 9 said that she had known Mr. Wang to be a womanizer from when they were at school together, and shortly after she joined the Philharmonic, he had invited her and another Orchestra member to his place after a performance. LW Complainant 9 said she felt safe going because she would be with another colleague, but when she was leaving she kissed Mr. Wang on one cheek and as she went to kiss the other cheek, he turned his face and kissed her lips. The Orchestra member who was reportedly present denied a time when Mr. Wang said or did anything that made another person uncomfortable, but at LW Complainant 9's request, I did not ask the Orchestra member about that specific incident.

LW Complainant 11 said that when she was working as staff at the Bowdoin Music Festival in 2012, Mr. Wang joined her and a group of graduate students for drinks after they attended a concert by violinist Midori on July 1, 2012. LW Complainant 10 said that at Mr. Wang's suggestion they brought alcohol back to the lounge area of the apartment-style dorms, where she was sitting on a couch next to Mr. Wang. LW Complainant 10 said Mr. Wang kept asking to kiss her and when she eventually offered her cheek, Mr. Wang grabbed her face and kissed her on the mouth, so she pulled away and got up. LW Complainant 10 said she was fairly intoxicated that night, cannot recall how she got home, and was awoken by a coworker the next day, three hours after her scheduled start time, still wearing her wrap dress from the night before that was "good and tied," but she was never able to find her shoes. LW Complainant 10 said she does not believe she was sexually assaulted, beyond the public kiss by Mr. Wang.

LW Complainant 10's friend, who was a teaching assistant at the festival, confirmed that after they had gone to the local bar Joshua's, she saw Mr. Wang at the dorm party that night, and the next day LW Complainant 10 told her that Mr. Wang had tried to kiss her, she finally offered her cheek, and he "planted one on her" in front of everyone. The friend also confirmed LW Complainant 10 providing a contemporaneous account of blacking out, her missing shoes, and not knowing how she had gotten back to her apartment from the dorms.

LW Complainant 3 said that a musician friend had recounted having met Mr. Wang once a long time ago, at a group dinner, and pushed away Mr. Wang after he grabbed her by her arms and tried to kiss her as they walked back in the same direction to their respective homes. LW Complainant 3 was not authorized to provide me with the friend's contact information and I was unable to locate it on my own. LW Complainant 5 said that a freelance musician reported having subbed with the Philharmonic one time in Vail when Frank Huang was Concertmaster and Mr. Wang came in from smoking marijuana on the deck, grabbed her neck, and shoved his face into hers to kiss her. The

sub told me she can corroborate Mr. Wang's repeated behavior but would speak only on assurance of full anonymity, which I said I could not provide in the event of litigation.

When I told Mr. Wang that I had received multiple reports of him having force-kissed a woman in each of the preceding situations, including students, staff at Bowdoin, subs, other musicians, and members of the Orchestra over an extended period of years, Mr. Wang said he does not remember any of those instances. Mr. Wang said that, in his recollection, he does not think that happened. In my follow-up meeting with Mr. Wang, he said that he once thought LW Complainant 8 was interested in him and at a personal party, he "went in for a hug" and LW Complainant 8 resisted; he said he never pursued her further. Mr. Wang denied having anything but a normal teacher-student relationship with LW Complainant 1 while she was a student. Mr. Wang said he has not kissed a student, has not kissed a woman on the lips when she offered her cheek except if they were dating, and he has not turned his head to catch and kiss a woman's lips when she was leaning to kiss him on the cheek. Mr. Wang told me that he did not recall any particular incident in which he kissed a female member of the Orchestra on the lips, and he did not think he had force-kissed anyone.

Mr. Wang provided various records from his time at Bowdoin in 2012, including: a posting showing that the final Midori concerts were on Sunday July 1 and Monday July 2, 2012; his American Express credit card statement and receipts of purchases dated July 2, 2012, including from Joshua's Tavern, and photos of him with three other men, who he identified as friends that had joined him in Maine for the week. Based on those documents, Mr. Wang said he first arrived at Bowdoin on July 2, 2012, went clothes shopping, met up with his friends, and spent that evening and every other evening that week with them on something akin to a retreat. Mr. Wang denied all aspects of LW Complainant 10's account, stating he did not go out for drinks with staff or students at a bar or the dorm, none of whom would have known him because there is turnover each year and he began his teaching the next day, and he did not remember repeatedly asking a woman at a party for a kiss or turning her head to kiss her on the lips when she offered her cheek. Mr. Wang queried whether he might have been mistaken for violin soloist Ray Chen, who was around the same age as the graduate students, went to their parties and hung out in the student dorms.

Mr. Wang said that after 2010 and the incident in Vail, he generally removed himself from the parties and the people, including the end of season parties in Vail. Mr. Wang then clarified that he went to parties on occasion, but he moderated his alcohol consumption and may have smoked marijuana a few times. Mr. Wang said he went back and watched YouTube videos from Vail in 2015 and 2016 and none jogged his recollection of someone he could have forcibly kissed.

#### Findings Regarding Unwelcome Kisses

I find credible the respective accounts from LW Complainants 1, 8, 9, and 10 and find a pattern (further supported by the two secondhand accounts of similar behaviors) of Mr. Wang having kissed or attempted to kiss women at times and in ways that were unwelcome and unwanted. In addition to the consistent pattern, spanning multiple years and women in a diverse range of roles and locations, LW Complainant 1's, 8's, and 10's accounts were all confirmed by colleagues who received contemporaneous reports of what had occurred. The women also were consistently understated in their recitation of what they had reportedly experienced. In particular, LW Complainant 8 had described the incident to then NYP Human Resources Director Kristine Pizzo as

a stupid drunk act by someone acting like an idiot. Notwithstanding the Sussman article about Mr. Wang and Mr. Muckey drugging women and the unexplained state in which LW Complainant 10 found herself the day after she was out drinking with Mr. Wang, LW Complainant 10 clarified that she could not attribute any inappropriate behavior to Mr. Wang beyond the unwelcome kiss and his suggestion earlier that evening (as a teacher) that they should buy alcohol and bring it back to the dorm area to get drunk. None of the women elevated Mr. Wang's kisses as more than annoying.

Mr. Wang may have been truthful in recounting a time at a party when he thought LW Complainant 8 might have been interested in him and he "went in for a hug," but his description of that night does not align with or refute the description that LW Complainant 8 and others provided of Mr. Wang approaching LW Complainant 8 near the bathroom at a reception with the Philharmonic and trying to kiss (not just hug) her.

None of the photos or documents that Mr. Wang provided are inconsistent with LW Complainant 10's account of having been forcibly kissed at Bowdoin. There were Midori concerts on both Sunday and Monday, July 1 and 2, 2012, and it is equally plausible that Mr. Wang was mistaken about arriving on Monday, or LW Complainant 10 was mistaken about having attended the concert on Sunday. The credit card statement Mr. Wang provided shows an overweight baggage charge on July 2 and in my experience, that type of charge often does not get posted to the credit card bill until the following day,<sup>5</sup> which means he could have arrived on Sunday and gone out that night with LW Complainant 10. Alternatively, a receipt that Mr. Wang provided for a bar tab of \$94.17 paid to Joshua's Tavern at 9:20 pm on Monday July 2, 2012 places Mr. Wang at that venue where LW Complainant 10's friend had reported they met up with Mr. Wang before heading to the dorm common area, and another receipt that night was for \$21 of Jameson Scotch.

Second, I do not credit Mr. Wang's assertion that he would not have known or been known to the staff or students at that point. LW Complainant 10's friend reported that the students typically returned for several summers and the staff even longer than that; the friend had been there for three summers, LW Complainant 10 for two, and LW Complainant 10's boss said he worked there for a decade. Also Mr. Wang was famous in 2012, particularly to those students who were serious enough musicians to be spending their summer learning at a music program like Bowdoin's. Mr. Wang easily could have met them at the bar and then chosen to join them at the dorm.

Third, Mr. Wang's suggestion that he was mistaken for Mr. Chen is completely speculative. LW Complainant 10's friend said that although Mr. Chen and Mr. Wang are both of Chinese descent, Mr. Chen is very fit, he looked like he worked out, his demeanor was like that of a sports jock, outgoing, boisterous, smiley and charismatic, and he has a strong Australian accent, while Mr. Wang is a little more subdued and does not speak as loudly. She said they were not alike to her and I credit these differences also would have been known to LW Complainant 10, whose job was to give all the staff, teachers, and artists their housing information and forms to complete when they arrived.

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<sup>5</sup> I asked Mr. Wang to provide his boarding pass or a statement with his flight itinerary for that trip and any receipts from July 1, 2012. He said he had neither but provided a photograph of him with the actor Alec Baldwin and a time stamp of 12:57 pm on July 1, 2012.

#### D. Sexual Assault and Rape

##### 1. LW Complainant 11

LW Complainant 11 explained that she and Mr. Wang overlapped in their time in grade school and while she was a sub for the Philharmonic's European tour in 2010 Mr. Wang introduced her to Mr. Muckey, who she began dating. LW Complainant 11 said Mr. Wang invited her to dinner one night on the tour, and then back to his room. She said she was surprised it was just the two of them at each location, but the dinner went fine and at first they were just talking in the hotel room. LW Complainant 11 said Mr. Wang then threw her on the bed, straddled her at her center with her lower body held between his legs, held her arms down, and was trying to take her pants off. LW Complainant 11 said she felt really stuck, "trapped," and realized she was very weak relative to Mr. Wang. LW Complainant 11 said that she was not sure why but Mr. Wang then suddenly stopped and let her go, just at the point where she felt she needed to accept what was about to happen next, and she left. LW Complainant 11 said she had viewed Mr. Wang as an older brother figure, given how they first knew each other, he knew she was seeing Mr. Muckey (and she had referenced that while he was holding her down), there was definitely no kissing or romantic lead-up, she had one drink at most that night, and she could not have fathomed he would be interested in that way.

LW Complainant 11 said she told Mr. Muckey that Mr. Wang had forced himself on her and that it freaked her out, but she has not told others what happened to her. Mr. Muckey confirmed that he had a consensual relationship with LW Complainant 11 for several months and said that she had not raised to him a concerning interaction that she had with Mr. Wang. Mr. Muckey said he was not aware of her having gone out to dinner alone with Mr. Wang or of Mr. Wang having made any type of sexual advance toward her.

Mr. Wang said he has never dated anyone who was a member of the Philharmonic, a sub, or a conductor or soloist who performed or was affiliated with the Philharmonic. When asked if he had gone to dinner one-on-one with any of the women that Mr. Muckey was dating, Mr. Wang said he did not know who Mr. Muckey had dated, and did not think so. Mr. Wang said he was friends with a musician who may have subbed for NYP and who had a "brief fling" with Mr. Muckey (but that person was not LW Complainant 11). Mr. Wang said he did not think he had invited back to his apartment or hotel room a woman who was a sub or probationary employee with the Philharmonic, except for a group gathering back in 2008, when an Orchestra member stayed beyond a party he hosted and they had consensual unprotected sex one time. Mr. Wang said he did not remember having made any sort of sexual advance toward a sub or probationary employee. Mr. Wang denied throwing a sub or probationary employee on the bed, straddling her or pinning her down, or forcibly removing or trying to remove her pants. He said he did not recall these experiences.

Given that this was 14 1/2 years ago, that LW Complainant 11 did not claim to have provided a detailed account of her experience to Mr. Muckey at the time, and that Mr. Muckey has been co-defending with Mr. Wang claims related to their interactions with women in the Philharmonic since 2010, I do not find Mr. Muckey's lack of confirmation sufficient to negate LW Complainant 11's account. I credit that LW Complainant 11 has largely kept the incident to herself (it was not among

the range of rumors and stories that were referenced to me during the course of my investigation), such that there are not others who could corroborate having been told of it.

In assessing credibility, I find it compelling that LW Complainant 11 did not seek to report this incident as part of my investigation. Rather, I learned of it only because I affirmatively reached out to her, on an unrelated allegation of an entirely separate, rumored incident that she denied had occurred. Collectively, when also considering the pattern of Mr. Wang's behavior described in this report, and particularly the similarity in LW Complainant 11's account of being thrown on the bed and LW Complainant 1's account below of Mr. Wang just brushing aside her objections and forcing himself on her later that year, I find it more likely than not that LW Complainant 11's account is truthful and I do not credit Mr. Wang's denials of the reported behavior.

## 2. LW Complainant 1

LW Complainant 1 stated that as a graduate student studying under Mr. Wang, he kept her under his control. She said Mr. Wang would call her when he woke at 7 am, ask her school schedule and tell her to come to his apartment afterward unless he had something else scheduled like a double rehearsal. LW Complainant 1 said she did not "live" with Mr. Wang (using air quotes) but outside of his lesson times with other students, he required her to be around him "all the time," day and night.

LW Complainant 1 said that Mr. Wang would tell her how beautiful she was and what he wanted to do to her in terms of intimate activity, and she brushed that aside as just words. LW Complainant 1 said that one evening in her second year Mr. Wang had offered to cook dinner for her at his apartment to reciprocate for a favor her family had done for his family. LW Complainant 1 said that Mr. Wang served her port wine and some salmon and she passed out before finishing even one glass of the port wine. LW Complainant 1 said that she woke up naked on Mr. Wang's bed. She said she was 24 and a virgin at the time. LW Complainant 1 said Mr. Wang was sleeping in the same bed when she woke up, and she cannot recall if his clothes were off. What she distinctly recalls is that she had worn black tights to dinner that night, and she located them on the bed near her.

LW Complainant 1 said she went back home; she does not recall how she got there. She said she went to a walk-in clinic to be tested for a sexually-transmitted disease, as she knew Mr. Wang was involved with a lot of girls. LW Complainant 1 said she wanted to learn from the clinic if she and Mr. Wang had sex, but she did not tell the clinic she thought she had been raped, and a pap smear is different than the way they check virginity. She said she only had them check if she had a disease.

LW Complainant 1 said that at the time, she thought she had become very drunk from the port wine, but now after having seen other people's accounts (from the articles that have been published), she questions that. LW Complainant 1 said that Mr. Wang was not an active user of recreational drugs, but he used them when he had a chance; she had seen him use marijuana and still does not know enough about recreational drugs to be able to state what other drugs he may have used.

LW Complainant 1 said she was so traumatized by what had occurred that she just lay on her bed and did not go out for a month. LW Complainant 1 said that Mr. Wang called her every day. She said she did not answer but he came almost daily to see her in front of her house and tried to explain. LW Complainant 1 said that Mr. Wang told her he was sorry, but he could not help himself and he respected her, cared about her, and had really liked her since the first day he saw her. LW Complainant 1 said that, based on Mr. Wang's statements to her she knew it really happened, that he had raped her.

LW Complainant 1 said that she did not know what she would say to her parents or the school, they knew she really wanted to study with Mr. Wang. LW Complainant 1 said the only other oboe player on faculty was close with Mr. Wang, which she knew from having heard their phone calls in her frequent time at Mr. Wang's apartment. LW Complainant 1 said she was afraid if she did something, Mr. Wang would try to kick her out from the school, so she decided to focus on what she had to finish and what she could control, which was to learn something, and she remained as Mr. Wang's student.

After that incident, LW Complainant 1 said that Mr. Wang would alternate sweet and mean things, called her all the time to make sure she was under his control, and would not let her go anywhere. LW Complainant 1 said that Mr. Wang tried to be in a romantic relationship with her, but it was his own concept, she gave the appearance of going along with it but did not feel the same about him. LW Complainant 1 said that in the subsequent months, Mr. Wang tried to repeat the sexual encounters with her. She said she stopped it a lot, but it also happened "so many times" that she would say "no" and he would say "whatever" and force her to have sex. When I asked LW Complainant 1 more specific questions about how often and how Mr. Wang forced himself on her she could not elaborate. She said he would just do it, he had full control, and from her "every breath" she had to do what he said. LW Complainant 1 said that she finally had some time to be away from Mr. Wang after he slept with one of her closest friends, who she said had sought the relationship with Mr. Wang because he was very powerful. LW Complainant 1 said she told one college friend and later confided in LW Complainant 3 as to what had happened.

Mr. Wang denied dating any of his students when they were in school but said he had gone out with one former student of his, LW Complainant 1, beginning three years or so after she graduated. Mr. Wang said that while LW Complainant 1 was still his student, they had not discussed becoming involved in a relationship, and that his relationship with her when she was a student was no different than the relationship he had with his other female students.

Mr. Wang said that LW Complainant 1 was no longer playing oboe at the time they started dating. Mr. Wang said that he forgot how he and LW Complainant 1 reconnected but the relationship started with texting, and going out to dinner, and they had both a romantic and sexual relationship for about one and a half years that was entirely consensual. He denied that he ever forced himself on LW Complainant 1 sexually. Mr. Wang said their relationship was pretty serious, but they were not public about it because it was his personal life and he did not want to tell everyone about it, and he had been private about prior girlfriends too. Mr. Wang said that he and LW Complainant 1 agreed to part ways because his mother wanted him to marry a Chinese woman.

Mr. Wang said that he thinks LW Complainant 1 stayed in New York, she is married with kids now, and they still talk. Mr. Wang provided screenshots of text messages that he exchanged with LW Complainant 1 between 2018 through May 2023, with a more recent message sent by Mr. Wang on August 4, 2024, that says only, “Sorry. Butt dial.” Mr. Wang said he did not date any students while they were still students, and he has not had with any of his other former students the same type of romantic or sexual relationship that he had with LW Complainant 1. Mr. Wang said:

- he does not think he had commented on what he would like to do with one of his students sexually;
- he had not made sexual remarks to any of his students;
- he had not kissed any students;
- he did not have any sort of personal romantic or sexual relationship with any of his students;
- he had never added a drug to a female student's food or drink;
- he had not undressed a student who was intoxicated or drugged;
- he had not had sex with a student who was intoxicated or drugged;
- he had not forced a student to have sex;
- he did not have a sexual relationship with a woman who was a student of any other teacher at [xxx]; and
- he does not think he had sex even on a single occasion with anyone who was a student of any other teacher at [xxx].

Mr. Wang said he wanted to make clear that he has never drugged anyone, and he has never had sex with anyone without their consent. When told that it has been reported by multiple people that Mr. Wang was having a sexual relationship with a student, Mr. Wang said he does not think it happened.

I find LW Complainant 1 credible in her account of Mr. Wang having raped and most likely drugged her in the fall of 2010, and of having been raped by Mr. Wang – meaning forced to have sex against her will – on repeated occasions in the months thereafter. I find compelling that she reported Mr. Wang's behavior – as unwelcome – to both her former teacher (about two years later) and her college friend (the year it occurred). Her teacher said that LW Complainant 1 reported that Mr. Wang had forced himself on her sexually, she was “for sure” still Mr. Wang's student at the time, she was a virgin and tried to put him off, but Mr. Wang was not to be denied. Her college friend said that LW Complainant 1 is a very private person, who you “cannot remotely joke with” regarding sexual matters or even who she has kissed, but when they were both in graduate school they were in a Chinese restaurant, and she was hysterical, crying, and loudly said “Liang raped me.” The college friend said Mr. Wang forced himself on her when she was saying no and took advantage of her, and reported being baffled that they then secretly dated. The college friend said there was an odd power dynamic as Mr. Wang was her teacher, and people return to the person abusing them.

LW Complainant 1's account has been consistent over time, as LW Complainant 3 reported having received a similar report from LW Complainant 1 several years ago. Further, portions of LW Complainant 1's account are corroborated by another student of Mr. Wang's, who was not a confidante of LW Complainant 1 but when I asked this other student if Mr. Wang had said anything that the student considered inappropriate, she said she knew that Mr. Wang had a romantic or

sexual relationship with one of the graduate students who had lessons outside their regular weekly time slots and hung out at Mr. Wang's apartment all the time, and she regrets she did not mention anything on that to anyone. The student reported that LW Complainant is married now, has kids and still did not disclose the relationship, so the student did not think she should give out that name to me.

I discredit Mr. Wang's assertions that he did not make any sexual advances toward LW Complainant 1 during her time in school, and his denial of all the other sexual behaviors that she reported he had directed toward her *while she was his student*. Most significantly, both LW Complainant 1's teacher and college friend said that the rape LW Complainant 1 had reported to them occurred while she was Mr. Wang's student, and they confirmed those reports preceded the time period when Mr. Wang asserts he first began dating LW Complainant 1. Other students of Mr. Wang and Orchestra members reported having heard of a sexual relationship between Mr. Wang and a woman who was his student at the time of the relationship. No one I interviewed mentioned that Mr. Wang had been dating LW Complainant 1 outside that teacher-student relationship.

Having concluded that Mr. Wang misrepresented the period of time and circumstances under which he was "dating" LW Complainant 1, I also find credible LW Complainant 1's account that the relationship was coerced and not consensual. Given the tremendous power dynamic between LW Complainant 1 and Mr. Wang, I find it was reasonable for LW Complainant 1 to have concluded she had no viable alternative but to accede to Mr. Wang's advances and requirements. The reasonableness of that assessment is further confirmed by the manner in which LW Complainant 1 said she had observed Mr. Wang respond to Ms. Kizer's accusations against him and Mr. Muckey, as discussed in Section II of this report. I therefore do not find LW Complainant 1's decision to return and remain under Mr. Wang's tutelage, negates or undermines the severe inappropriateness of Mr. Wang's behavior.

I also do not find that the text messages that Mr. Wang shared refute LW Complainant 1's account. Those messages reflect reciprocally friendly exchanges between Mr. Wang and LW Complainant 1, including her reaching out to him at times and offering to visit, mostly in 2018 and 2019. There were just a few sporadic exchanges each year thereafter, largely related to Mr. Wang's performances and most recently related to the birth of his son. I find the text messages can be interpreted in several ways, one of which being, as Mr. Wang asserts, that he and LW Complainant 1 are on good terms. Another interpretation of those messages, however, is that they are consistent with the nuanced approach that LW Complainant 1 described having maintained in her relationship with Mr. Wang, of leading him to believe they remained on good terms while she gradually separated herself from him.

Mr. Wang told me that he has retained thousands of photos going back many years (including, for example, nearly a dozen photos that he shared with me from his week at Bowdoin in 2012), and he showed me in our second meeting that he has retained at least four of his old cell phones, including a flip phone. Despite his proclivity to retain extensive electronic records and my explicit request that he provide "text messages from, or photos of Mr. Wang with, LW Complainant 1 and including the date for each text/photo," Mr. Wang provided no photos of himself with LW Complainant 1 and no text messages exchanged with LW Complainant 1 prior to 2018 (which was

subsequent even to his account of their dating relationship). I find the absence of earlier documentation of a relationship that he claimed was sufficiently serious as to be considering marriage further undermines the credibility of Mr. Wang's account.

### 3. Arbitration Witness 1

Arbitration Witness 1 testified to having been drugged and raped by Mr. Wang in the fall of 2006. The arbitrator summarized those encounters as not "fully" consensual, and wrote in his decision that Arbitration Witness 1:

candidly acknowledges they did not amount to assaults: Wang, she says, would begin by touching, then trying to massage her:

And it was the same routine of me asking him not to do it, to stop, and tell him to behave. But he would not for sure, not even – he wasn't hearing anything I would say. He would almost take it like a joke. ... I would just give in. It was an easier route to take than fighting someone, especially following the rape. It's very difficult to navigate a situation when you're with someone in your business who has a lot more power than you do. It's a fine line between pissing them off and keeping things amicable."

[transcript citations omitted].

Two Orchestra members each recounted to me that Arbitration Witness 1 had confided in them that she had been drugged and raped by Mr. Wang, and that they were interviewed about that in the prior investigation. Another Orchestra member said that he saw nothing inappropriate occur between Mr. Wang and Arbitration Witness 1, and that he received differing accounts from Mr. Wang and another Orchestra member in whom Arbitration Witness 1 had confided. Mr. Wang denied having ever added a drug to the food or drink of a woman subbing for the Philharmonic, undressed a sub who was intoxicated or drugged, had sex with a sub who was intoxicated or drugged, or forced a sub to have sex.

### **Overall Findings and Conclusions Regarding Sexual Behavior Toward Women**

The evidence of inappropriate sexual behavior by Mr. Wang that was presented in the arbitration consisted of Arbitration Witness 1's testimony and the account of an artist manager that, at an April 2018 event with the Philharmonic, Mr. Wang lifted her off her feet with a hug in a group setting, complimented her appearance several times, and smelled her hair. The arbitrator credited the latter account, but questioned Arbitration Witness 1's claim of nonconsensual relations because she and Mr. Wang continued to stay in contact and engaged in sexual activity several times thereafter (which he noted Arbitration Witness 1 did not resist), there was no medical evidence that Arbitration Witness 1 was drugged and there were clear indications that she had consumed a lot of alcohol on the night she claimed she was raped, and her explanation that she did not report Mr. Wang because she feared the harm he could do to her career did not meet the legal standard of clear and convincing evidence that the arbitrator held should apply.

In contrast, at this juncture and based on the information outlined above, I find a clear pattern based on the sheer frequency and similarity of reported behaviors subsequent to the alleged

drugging and rape of Arbitration Witness 1, occurring across disparate venues and situations. Most of the women reporting Mr. Wang's behavior had little interaction with one another and could not have colluded in their reports. Also, none of the reported accounts can be discredited as copycats arising from the Sussman article, as that article focused largely on the incident in Vail and Mr. Muckey's behavior, with Mr. Wang as a possible accomplice to having drugged Ms. Kizer but not as having himself sexually assaulted her or anyone else.<sup>6</sup> Further, I find a consistent thread that Mr. Wang at best failed to recognize, and more likely has exploited, the power dynamic between his role as a principal with the Philharmonic and then a rising star in the classical music world, and the role of the women he targeted – as students, junior staff, subs, or probationary employees with the Philharmonic.

I therefore find it more likely than not that Mr. Wang engaged in a pattern of sexual harassment over at least a ten-year period that included the following sexual behaviors:

- unsolicited invitations to three women;
- sexual advances toward two women;
- unwelcome kissing of four women; and
- sexual assault or rape of three women, including Arbitration Witness 1.<sup>7</sup>

## II. **Concerns of Non-Sexual, Abusive Behaviors**

### A. Treatment and Perceptions of Colleagues

Many of Mr. Wang's colleagues, including those who worked with him at the Philharmonic and in other settings, provided accounts of Mr. Wang's egotism, how he garnered attention for himself, and how he demeaned or manipulated others, including mimicking conductors' accents or making comments that insulted an individual's ethnicity. Members of the Philharmonic described Mr. Wang with phrases like cocky, a "big attitude holder," acting like "king shits," arrogant, someone who thought a lot of himself, acting like "the rules don't apply" to him, an "in your face I own the place" vibe, and always trying to stand out. Some spoke of his playing style as all about getting attention for himself and not considering his colleagues and how they were performing. Some, however, spoke positively of Mr. Wang. One Orchestra member recounted that Mr. Wang laughed repeatedly at a mistake another member made during a concert, and others spoke of facial

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<sup>6</sup> In my second meeting with Mr. Wang, his attorney Alan Lewis stated that they believe the article in The New York Times, which covered the Sussman article, gave people the impression that Mr. Wang had drugged Ms. Kizer and that there was something very wrong with the arbitration, which has a substantial effect on how people think of Mr. Wang and may impact the memories they have of him. For me to accept Mr. Lewis's theory, I would need to find not only that all the women reporting these incidents have clouded recollections or are reporting instances of mistaken identity, resulting from the Sussman article and related publicity, but that the recollections of the numerous individuals who confirmed their accounts based on contemporaneous reports also have been similarly altered over time because of the Sussman article. I find that presumption to defy the bounds of reasonable analysis.

<sup>7</sup> Considering the range of secondhand accounts referenced in this report and other incidents that I was told of but have not included because they were thirdhand or more distant accounts heard by individuals I interviewed, it is likely that the incidents described here do not capture all the sexually inappropriate behaviors in which Mr. Wang has engaged during his tenure with the Philharmonic.

expressions they observed as “dissing the person.” Mr. Wang denied that he had engaged in behaviors to warrant this perception, and particularly sought to prove his supportive relationship with the Orchestra member who he had reportedly laughed at for a performance mistake.

I find it likely that Mr. Wang likely has at times made inappropriate ethnic remarks, but I do not find a basis to conclude they are more than isolated instances. I credit the multitude of consistent reports from Mr. Wang’s colleagues and find it more likely than not that he broadly displays an arrogant demeanor and has been dismissive and insulting toward others in the Orchestra. I also find that because of Mr. Wang’s significant position in the Orchestra, his mannerisms and subtle shifts in his demeanor are closely observed and analyzed by his colleagues, to a greater degree than he may have realized.

#### B. Abusive Conduct Toward Students

LW Complainant 12, a former student of Mr. Wang from early in his teaching career, reported a series of abusive behaviors that she experienced during that time including, bullying and demeaning comments, having students do chores (like process cane or write his Christmas cards), pressuring students to stay beyond lessons, and making inappropriate comments about students’ personal relationships.<sup>8</sup> LW Complainant 12 said that Mr. Wang created an environment where whatever the teacher says you do, and she did not realize what she had experienced was not normal until a few years after she graduated.

Mr. Wang said that he teaches private lessons in the style that his teachers taught him: strict, no nonsense, and pretty demanding. Mr. Wang said that he has come to recognize that sometimes people need more nurturing and positive feedback as encouragement, and he has evolved his teaching style to provide this. Mr. Wang said that if a student experienced his teaching style as bullying and demeaning, he would say he was sorry but that was not his intention. Mr. Wang said he has asked students to process cane, but he views that as a free lesson for the student because the process is very precise and extensive. Mr. Wang said sometimes a student would ask to stay beyond the lesson time to watch him play or make reeds but that was completely voluntary. Mr. Wang said he does not recall asking students overly personal questions about their family or boyfriends, nor did he speak to them about women he was dating.

I generally credit LW Complainant 12’s account of her experience with Mr. Wang as a teacher, as confirmed to varying degrees by LW Complainant 1, and two of his other former students (including LW Complainant 13) and find that he took the Asian teaching style to a degree that could be verbally abusive and manipulative, and asked questions and made comments about his students’ personal lives that were inappropriate. I find that Mr. Wang was not unique in having students do chores for him; I also credit LW Complainant 12’s account of having been tasked with extensive chores, and I find they likely exceeded the bounds of what Mr. Wang characterized as a learning experience.

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<sup>8</sup> LW Complainant 12 also posted her concerns on Facebook, where they were reportedly viewed by others in this industry. That Facebook post was not publicly available by the time I interviewed LW Complainant 12.

Although I credit Mr. Wang's assertion that he feels his teaching style has evolved over time and that he has added some encouragement and empathy, I find that any such evolution would have been in more recent years, as LW Complainant 12 asserted her experience was largely consistent throughout her time with Mr. Wang, LW Complainant 13's account of her experience under Mr. Wang's tutelage was not drastically different, and collectively their time under Mr. Wang spanned about eight years. I find that the more severe experience that LW Complainant 12 recounted is more likely because she began studying with Mr. Wang as an undergraduate, whereas the others I interviewed studied with Mr. Wang only at the graduate level and may have had more maturity and perspective to contextualize his behavior and to avoid unreasonable demands (like the excessive volume of chores that LW Complainant 12 was tasked with or the incursions on her personal time outside of lessons). On balance, I find that Mr. Wang's treatment of his students is symptomatic of a broader pattern of exploiting his power over others. I further find that not every student was similarly targeted, and I credit a fourth student's account that Mr. Wang could be immensely supportive when he chose to do so.

### C. Abuse of Power Toward Women He Found Threatening

#### 1. Cara Kizer

LW Complainant 14, a former sub with the Philharmonic who reported that she was friends with Mr. Wang from very early in his professional career, said that, on the day after the incident with Ms. Kizer, Mr. Wang called LW Complainant 14 to his hotel room and recounted to her that he had given Ms. Kizer a ride home after the party, and that she was kissing and hugging Mr. Muckey and threw up all over herself in the car so they took her to the condo to wash her clothes. LW Complainant 14 said that as Mr. Wang recounted this, she put her head in her hands, and shaking her head she said, "tell me you didn't do this" and advised him to get a lawyer. LW Complainant 14 said she queried if Ms. Kizer was so out of it, why he did not take her back to her hotel room. LW Complainant 14 said that she had thought she was alone with Mr. Wang at the time, but then Mr. Muckey walked out of the bathroom in Mr. Wang's hotel room, and LW Complainant 14 told him he needed an attorney as well. LW Complainant 14 said a police detective reached out to her at some point thereafter, but she did not speak to him, and her lawyer friends had advised that she only had hearsay information. LW Complainant 14 said that in 2020, she read people posting on Slippedisc in defense of Mr. Wang and Mr. Muckey, and she was so angry that she responded by overstating what she knew in a responsive post.

LW Complainant 1 said that after the incident in Vail, she happened to overhear Mr. Wang on the phone, angrily speaking to Mr. Muckey about why he would "try to fuck" the "really fat and ugly girl." LW Complainant 1 said that Mr. Wang was upset with Mr. Muckey for having done such a stupid thing that involved Mr. Wang. LW Complainant 1 said that she often had seen Mr. Muckey and other people come over to Mr. Wang's apartment and get really stupid and drunk, and Mr. Wang would fall asleep on the couch while the others continued drinking. She said that the account she read in the Sussman article of how Mr. Wang had gone to sleep on the couch in the condo was consistent with the pattern she saw. LW Complainant 1 said that even if Mr. Muckey tried to rape Ms. Kizer, Mr. Wang would not have been the person to try to help her because Mr. Wang does not care if it does not affect him.

LW Complainant 1 said that Mr. Wang called powerful people in New York, including the French Horn player Phil Myers (who was the principal horn player for the Philharmonic) to keep Ms. Kizer out of the Orchestra because the situation that occurred in Vail involved his name and Mr. Wang felt it was not safe for him. LW Complainant 1 said she knows Mr. Wang made these calls because she “was there” and she heard him speak of how Ms. Kizer was weird and was lying, and say that the situation was shameful for the Orchestra. LW Complainant 1 said that Mr. Wang’s comments were not about Ms. Kizer’s playing.

Mr. Wang confirmed that in 2010, he stayed at the hotel following the incident with Ms. Kizer, but he denied that Mr. Muckey spent any time with him in the hotel room. Mr. Wang said he does not recall recounting to any Orchestra member or sub a version of what happened, and he had not described that Ms. Kizer had thrown up in the car on the way to the condo and that they brought her to the condo to wash her clothes. Mr. Wang said that he was friends with Mr. Myers but had not called Mr. Myers or anyone else at the Philharmonic after the incident in Vail in 2010 to speak about getting Ms. Kizer out of the Orchestra. Mr. Wang said that there had been two reviews of Ms. Kizer prior to 2010, and Mr. Myers is a very opinionated, strong character.

Mr. Muckey also denied having spent any time in Mr. Wang’s hotel room in Vail after the incident in 2010. Mr. Muckey said he did not overhear any conversations that Mr. Wang had with an Orchestra member or sub in which Mr. Wang recounted a version of what happened, and that Mr. Wang did not say anything to him about trying to “fuck the really fat and ugly girl.” Mr. Muckey said that he was not aware of Mr. Wang speaking with Mr. Myers or anyone else in the Orchestra about getting Ms. Kizer out of the Philharmonic, and that Mr. Muckey had “absolutely not” had any such conversation himself.

Based on my review of the arbitration decision, neither Ms. Kizer nor Mr. Wang testified to Ms. Kizer throwing up on herself in the car on the drive to the condo where Mr. Muckey and Mr. Wang were staying in Vail. Another Orchestra member also told me that he was on that car ride and was dropped off first along with a now-retired colleague, and he does not recall anyone being inebriated. I therefore do not find sufficient basis to credit that LW Complainant 14’s account of what Mr. Wang said to her was actually a truthful recounting of what happened with Ms. Kizer that night in Vail. No one else I interviewed and nothing else I reviewed confirmed that Mr. Wang had even proffered the account that LW Complainant 14 reported. Further, LW Complainant 14 said that at the end of her week in Vail, Mr. Wang told her she had played terribly and she was never again invited back to play with the Philharmonic, nor has she since spoken with Mr. Wang. It could be that Mr. Wang thereby retaliated against LW Complainant 14 for not supporting him at that time, or it could be that LW Complainant 14 really had not played well and that this account is her retribution against Mr. Wang. I do not, therefore, find sufficient basis to credit LW Complainant 14’s account as true.

I find credible LW Complainant 1’s account of having overheard Mr. Wang speaking of Ms. Kizer to Mr. Myers and others, and portraying Ms. Kizer as weird, lying or shameful for the Orchestra. LW Complainant 1 recounted those conversations to me to explain why she subsequently feared Mr. Wang’s power negatively to impact her own career. In addition to my general crediting of LW

Complainant 1's veracity for the reasons discussed above, I find that LW Complainant 1 had no reason to lie about what she heard Mr. Wang say about Ms. Kizer because LW Complainant 1 told me that she thought that her account cleared Mr. Wang from wrongdoing; she did not perceive that the conversations she was reporting separately implicated Mr. Wang for retaliation.

I further find that LW Complainant 1's account is consistent with reported observations from two Orchestra members of Mr. Myers having shifted from initially supporting Ms. Kizer and then swaying a majority of the tenure review committee against her, and their impression that Mr. Wang had prompted Mr. Myers's change in perspective. Numerous members of the Philharmonic described the close friendship between Mr. Wang and Mr. Myers, and most further recounted the manner in which Mr. Myers terrorized members of the Orchestra.<sup>9</sup> I therefore find it more likely than not that Mr. Wang retaliated against Ms. Kizer by seeking to have her removed from the Orchestra.

## 2. LW Complainant 1

LW Complainant 1 said that she was Mr. Wang's top student, but he never referred her to the Philharmonic as a sub, he wanted her under his shadow from morning to night, and wanted her to be an orchestra manager instead of a musician. LW Complainant 1 said that Mr. Wang said he would not help her with auditions and literally told her she should go back to her home country. LW Complainant 1 said she does not know of Mr. Wang actually blocking her from doing auditions, but she had observed his control and manipulation, knew he calls around, and knew a phone call from Mr. Wang to someone saying she was crazy would hurt her reputation.

LW Complainant 1 recounted various efforts she made to define her career and free herself from Mr. Wang's control. She said that one day she realized she had to cut out music - which she loved - so she could really leave Mr. Wang. She described a series of career changes that she made in the subsequent years. LW Complainant 1 said she came forward now with the support of the friends she confided in who said they have established their own professional reputations enough to support her now, and because she wants to encourage the person who is weak today and being abused by someone with power to know that person is loved and important to someone and will grow up and become strong.

Mr. Wang said that LW Complainant 1 was a good student, and he does not think that she subbed for the Philharmonic. Mr. Wang said he specifically recalled only having referred one or two of his students as subs. Mr. Wang said he did not recall what LW Complainant 1 did after graduating, that she may have gone back to her home country. Mr. Wang said that he sometimes helps his students find roles after they graduate, he will give them free lessons for their auditions, which they need to get a job, and he thinks he did that with LW Complainant 1.<sup>10</sup>

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<sup>9</sup> Mr. Myers was let go from the orchestra in 2017 after a report by one sub led to a full investigation and finding of abusive behavior.

<sup>10</sup> LW Complainant 1 expressed concern that Mr. Wang will start calling her again if he becomes aware of what she has reported, and that he will take legal action against her. LW Complainant 1 therefore asked that I not speak with Mr. Wang about the specifics of her interactions with him. Accordingly, I limited my questions to Mr. Wang about details that LW Complainant 1 had shared.

I credit that LW Complainant 1 feared Mr. Wang and his power, and that she felt she had to leave music behind so as to feel free of Mr. Wang's control. LW Complainant 1's former teacher and former classmate both confirmed her account of having given up music, and her former classmate said he understood that was so she could get away from Mr. Wang's influence. Information available online additionally confirms much of LW Complainant 1's account of her post-college activity, and thereby lends credibility to her overall account of her experiences with Mr. Wang.

I do not however find sufficient basis to conclude that Mr. Wang actively sought to obstruct LW Complainant 1 from auditions. I find that a graduate student's teacher is often central to promoting the student's future career, and I credit LW Complainant 1's account that Mr. Wang withheld that support and tried to steer her away from performing, and that his disapproval created an additional obstacle for her to navigate. Particularly because LW Complainant 1 asked that I not discuss her specific situation with Mr. Wang, I do not find enough support to conclude that Mr. Wang's purpose was to silence and control her, and not for less nefarious reasons, such as having a differing perspective of how she should proceed professionally.

#### D. Recent Conduct Reflecting Attempted Abuse of Power

LW Complainant 13 said that Mr. Wang had reached out to her when he was first terminated and doing online lessons, and he congratulated her that he saw she was on the faculty at a New York college. LW Complainant 13 said that Mr. Wang proposed that his name would attract students from China and Russia, and they could come to her college under his name, but she would do the actual lessons. LW Complainant 13 said she later learned that Mr. Wang called the department chair at her college, asking to join the faculty. LW Complainant 13 said that another faculty member told her of this and said he gave the department chair some background on Mr. Wang and the reported issues involving him, and Mr. Wang was not hired.

LW Complainant 13 said that last year she had a Chinese student come to study under her and Mr. Wang convinced the student that he was on faculty at her college and she could have weekly lessons with him. LW Complainant 13 said she had to clarify her role with the department chair who told her not to worry, that she was the only oboe faculty person.

Mr. Wang said that he has been on the faculty at Manhattan School of Music and New York University, and was an honored professor at Shanghai Conservatory. Mr. Wang denied looking into being on the faculty at any other schools. Mr. Wang said that after The New York Times reported on the allegations against him in 2018, his contract with MSM at the college level was not renewed and he is no longer on the faculty at NYU for the same reason. When asked, Mr. Wang said he had not reached out to other schools in the New York area after he lost those positions because it seemed pointless; if those schools would not hire him, who would. Mr. Wang said that all he can do is teach some kids in China.<sup>11</sup>

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<sup>11</sup> I did not more specifically ask Mr. Wang about contacting the music department at the local college or comments to LW Complainant 13's student. LW Complainant 13 did not authorize me to do so, as she said that Mr. Wang would know from any such question that the information came from her and she fears retaliation by Mr. Wang that will impede her future job opportunities.

I find LW Complainant 13's account credible because it was largely confirmed by the college's music department chair (who could not even remember Mr. Wang's name and has no vested interest in this matter) and a faculty member (who knows Mr. Wang but also has no vested interest in this matter). I find that Mr. Wang continues to engage in a pattern of misrepresentation and abusing his power, in this instance to the detriment of his former student, LW Complainant 13, and LW Complainant 13's current student who is unfamiliar with the university system in the United States.

### **III. Orchestra Members' Concerns**

Some of the Orchestra members who I had spoken with in my initial interviews expressed concerns that Mr. Wang and Mr. Muckey (who had been placed on leave pending completion of my investigation) not be permitted to return and resume playing with the Philharmonic. Ms. Jestic indicated that she was receiving similar feedback from the members of the Philharmonic who met with her team. So that I could gather and consider a range of perspectives, I therefore reached out to every member of the Orchestra who had not already contacted me, including those who had spoken with Ms. Jestic, and made up to three attempts to contact those who were nonresponsive (except for two members who I knew to be on medical leave). I asked each member of the Orchestra who agreed to meet with me, and did not independently raise the subject during our interview, the following two questions:

1. What was your reaction to Mr. Wang and Mr. Muckey being placed on leave recently?
2. Would you have a concern with either of them coming back/resuming rehearsal and performing with the Orchestra? If so, why?

Of the 67 Orchestra members I spoke with (excluding Mr. Wang and Mr. Muckey), 50 said that they would be concerned with Mr. Muckey and Mr. Wang returning, for various reasons. The largest group, 25 members, expressed they were personally concerned with Mr. Wang and Mr. Muckey returning, with comments like they cannot imagine ever sharing the stage or working with them again, or they have heard enough information from sources they trust to conclude they should not be allowed to return. Another 16 members indicated they were less concerned about themselves, some commenting they had managed once before when Mr. Wang and Mr. Muckey were reinstated, but they were concerned for their peers and wanted to support colleagues who had expressed concern. This group included statements about female colleagues who feel unsafe or would be upset, and the "untenable working conditions," "turmoil," or negative impact their return would create for the work environment. Eight Orchestra members framed their concerns in terms of the negative public reaction, how that would hurt the image of the Philharmonic, exacerbate the critiques on social media, be bad for business, or might lead to being boo'ed onstage. One additional Orchestra member framed a concern around recruitment of new musicians, particularly women, to play with the Philharmonic.

Fourteen Orchestra members said they would not be concerned by either Mr. Wang or Mr. Muckey returning and one other only expressed concern with Mr. Wang returning. Of these individuals, a few referenced their colleagues' discomfort, some expressed confidence in the past public exposure to keep Mr. Wang and Mr. Muckey from engaging in similar behavior, others expressed a commitment to the legal process or confusion because they thought that had already cleared them, and the rest did not elaborate on their reasoning.

The remaining two Orchestra members essentially abstained. One declined to proffer an opinion and the other said the administration should make that determination.

### **Conclusion**

In sum, I find that Mr. Wang has engaged in a pattern of abusing his power that persists to the present. At its most extreme, I find this likely has involved rape and sexual assault, and it has also included less severe forms of sexual harassment, directed at 11 or more women over the course of more than a decade (from 2006 to 2016). I also find Mr. Wang more likely than not retaliated against Ms. Kizer by advocating for her removal from the Orchestra and that he has mistreated his students, particularly some of his female students, with bullying behaviors, chores, and overly intrusive inquiries. I find that Mr. Wang surrounds himself with a climate of authority and fear, in an industry where a single phone call can have ramifications for someone's career, that has particularly inhibited students, freelancers, and probationary employees from objecting to his conduct and from coming forward to speak of their experiences.

As investigator, my role was to gather information and I did not share with the Orchestra members I interviewed any of the information in this report, or anything beyond my broad remit to look into workplace concerns of sexual harassment or otherwise inappropriate conduct by musicians and other current employees of the Philharmonic. Based on the information the Orchestra members who I met with have read, heard, experienced, and observed elsewhere, more than three-quarters of them expressed that they would be concerned, either on a personal level or out of regard for colleagues or the organization as a whole, if Mr. Wang resumed rehearsing and performing with them.